

Date: June 29, 1990

To: All Wisconsin Hospitals

From: Larry Tainter, Director
Bureau of Quality Assurance

Subject: Uniform Anatomical Gift Act

Wisconsin Act 298, which was effective May 8, 1990, amended Chapter 157.06 of the Statutes to establish new procedures in securing anatomical gifts. A copy of the act is included for your review.

Changes to the law include the following:

1. The contact for a request for an anatomical gift is mandated only if at the time of death of a patient there is no medical record that the patient has made or refused to make an anatomical gift. [See 157.06(5)(6)]
2. The required request procedure is not required if the patient is not a suitable candidate based on acceptable medical standards or if the person designated to make the request knows that there is a cultural or religious objection to the making of an anatomical gift. [See 157.06(5)(b)]
3. The law also sets a minimum level of duty for selected personnel and hospitals to make a reasonable search for a document of gift or other information which might deny a gift for an unconscious individual. [See 157.06(5)(c) & (d)]
4. A hospital is required to notify potential donees if identified or an appropriate procurement organization at or near the time of death of a patient. The hospital is also required to cooperate in the implementation of the transfer of the gift. [See 157.06(5)(e)]
5. Any hospital may accept the gift if a donee is not specifically identified or refuses transfer. [See 157.06(5)(b)]
6. Hospitals will be required to enter into agreements or affiliations for the coordination of procurement and use of anatomical gifts. [See 157.06(9)]
7. Immunity from civil and criminal provisions is extended to those who are within the scope of the revised act. [See 157.06(10)(c) & (e)]

The department is required to promulgate rules to describe the policy and procedures for discussing the anatomical gift process with the patient's family and to prescribe the manner in which the anatomical gift information is placed in the patient's medical record. We will be initiating a revision to HSS 124 to meet this requirement.

In conjunction with these changes we are also including a copy of BQC Memo 88-048 for your review which describes the current Medicare/Medicaid requirements for organ donors.

If you have any questions regarding these changes, please contact Stephen D. Schlough, P.E., Chief, Facilities Need Analysis Section, (608) 266-3878.